

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,                          )  
    )  
    )  
Plaintiff,    )  
    )  
    )  
v.    )      Criminal Action No. 15-00035-01-CR-W-DGK  
    )  
MICHAEL ANTHONY GARRETT,                            )  
    )  
    )  
Defendant.    )

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

**I. Background**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before the undersigned United States Magistrate Judge on June 25, 2015. The defendant appeared in person and with appointed counsel, Steve Moss. The United States of America appeared by Assistant United States Attorney Christina Tabor.

The following matters were discussed and action taken during the pretrial conference:

**II. Trial Counsel**

Ms. Tabor announced that she will be the trial counsel for the Government. The case agent to be seated at counsel table is Detective Michael Wells of the Kansas City, Missouri Police Department.

Mr. Moss announced that he will be the trial counsel for the defendant.

**III. Outstanding Motions**

The Government has filed a motion in limine, doc. #22, seeking to exclude as hearsay, the defendant's statements at the time of his arrest denying any knowledge of the gun. Defense counsel may seek to exclude certain items of evidence based upon their late disclosure.

#### **IV. Trial Witnesses**

Ms. Tabor announced that with the stipulations agreed to by the defendant, the Government will call 4-5 witnesses.

Mr. Moss announced that the defendant intends to call less than 4 witnesses during the trial of this case. The defendant may testify.

#### **V. Trial Exhibits**

Ms. Tabor announced that the Government will offer approximately 24 exhibits in evidence during the trial of this case.

Mr. Moss announced that the defendant will offer less than 10 exhibits in evidence during the trial of this case.

#### **VI. Defenses**

Mr. Moss announced that the defendant will rely on the defense of general denial.

#### **VII. Possible Disposition**

Mr. Moss stated this case is probably for trial.

#### **VIII. Trial Time**

Counsel were in agreement that this case will take 2 days to try.

#### **IX. Stipulations**

Defense counsel indicated his client was willing to stipulate to the interstate nexus of the firearm, his felony status, and the chemical analysis of the marijuana.

#### **X. Exhibit List, Voir Dire, and Instructions**

The United States Magistrate Judge ordered:

1. That, in addition to the requirements of the Scheduling Order, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by or before Noon, Wednesday, July 8, 2015;

2. That counsel for each party file and serve requested jury voir dire examination questions, in the format of individually numbered questions, by or before Noon, Wednesday, July 8, 2015; and
3. That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before Noon, Wednesday, July 8, 2015. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, computer disk in a form compatible with Word 2010.

## **XI. Unusual Questions of Law**

Counsel announced that they had no knowledge of any unusual questions of law that may arise during the trial of this case. **An interpreter is not needed.**

## **XII. Trial Setting**

Counsel for both parties and the defendant were informed that this case will be listed for trial on the Joint Criminal Jury Trial Docket commencing on July 13, 2015. One of the Government's witnesses is unavailable on July 13, 2015. Therefore, counsel prefer that the case be set the second week of the docket. If it is set the first week of the docket, Government counsel asks that it be started on July 14, 2015 or later.

---

\_\_\_\_\_  
/S/ *Sarah W. Hays*  
SARAH W. HAYS  
UNITED STATES MAGISTRATE JUDGE